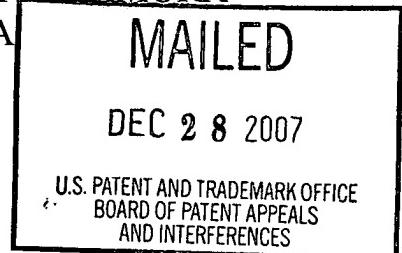


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TATSUYA YASUNAGE, HISASHI MITAMURA
and TAKENORI NAKAYAMA

Application 10/790,019



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on December 18, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

The following certified English translation of JP 2002096403 listed under the Evidence Relied Upon section of the Examiner's Answer filed on July 20, 2007, is missing from the IFW file. The Examiner appears to be relying upon a machine translation. The BPAI does not accept machine translations.

MPEP 1207.02 states in part:

If a document being relied upon by the examiner in support of a rejection is in a language other than English, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection. The translation should be obtained prior to the appeal conference so that the participants of the appeal conference can consider the translation. The examiner should reference the pertinent portions of the translation at least in the grounds of rejection section of the answer. See MPEP § 706.02 for reliance upon abstracts and foreign language documents in support of a rejection.

Accordingly, it is

ORDERED that the application is being electronically returned to the Examiner to have the certified English translation for the Japanese patent listed above, scanned into the record and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: Patrick J. Nolan
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
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PJN/gjh

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